

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

NEWARK PORTFOLIO JV, LLC  
Employer

and

Case 22-RC-081108

LABORERS INTERNATIONAL UNION  
OF NORTH AMERICA LOCAL 55  
Petitioner

**NOTICE TO SHOW CAUSE**

On September 1, 2016, the United States Court of Appeals for the Third Circuit granted the Employer's Petition for Review and denied the Board's Cross-Application for Enforcement. Although the Court did not explicitly remand the technical-refusal-to-bargain case to the Board, the Court's decision denying enforcement of the bargaining order appeared to contemplate further proceedings, consistent with the principle that the Board is free in such circumstances to continue to process the representation case consistent with the rulings of the reviewing court. See Freund Baking Co., 330 NLRB 17, 17 n.3 (1999) (citing cases). Accordingly, the Board, on remand, sought statements of position from the parties. Subsequently, Employer's counsel filed a letter stating that the Employer has "sold all of its assets, ceased its operations and no longer employs any workers within the applicable bargaining unit." Therefore, Employer's counsel asserted that this case is moot and should be "dismissed in its entirety." Counsel for the General Counsel filed a timely statement of position. Having duly considered the matter,

**NOTICE IS GIVEN** that cause be shown, in writing, filed with the Board in Washington, D.C., on or before April 5, 2017 (with affidavit of service on the parties to

this proceeding), why this case should not be dismissed. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., March 22, 2017.

By direction of the Board:

Gary Shinnors

A handwritten signature in black ink, reading "Gary Shinnors". The signature is written in a cursive, flowing style with a prominent initial "G".

Executive Secretary